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Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,)	CASE NO. C08-03129 MMC
)	
Plaintiff,)	DECLARATION OF SUONG T.
)	NGUYEN IN SUPPORT OF
v.)	STIPULATION TO ADJOURN
)	DEADLINE FOR PLAINTIFF VNUS
BIOLITEC, INC., DORNIER MEDTECH)	MEDICAL TECHNOLOGIES, INC. TO
AMERICA, INC., and NEW STAR LASERS,)	RESPOND TO COUNTERCLAIMS
INC. d/b/a COOLTOUCH, INC., DAVID S.)	
CENTANNI, and TYRELL L. SCHIEK)	
)	
Defendants.)	

1 I, Suong T. Nguyen, declare as follows:

2 1. I am an attorney with the law firm of Davis Polk & Wardwell, counsel of record for
3 Plaintiff VNUS Medical Technologies, Inc. ("VNUS") in the above-entitled action. I make this
4 declaration pursuant to Civil Local Rule 7.1(b)(1) in support of the Stipulation to Adjourn the
5 Deadline for VNUS to Respond to Counterclaims. Unless otherwise noted, the statements made
6 herein are of my own first-hand knowledge, and if called upon to testify thereof I could and would
7 do so competently.

8 2. VNUS filed a complaint against Defendants biolitec, Dornier MedTech America,
9 Inc., CoolTouch, David S. Centanni and Tyrell L. Schiek (collectively "Defendants") in the above-
10 captioned action on June 27, 2008 and filed a First Amended Complaint on July 10, 2008.

11 3. VNUS served biolitec and CoolTouch with the First Amended Complaint on July
12 11, 2008 and July 23, 2008, respectively.

13 4. CoolTouch filed an answer and counterclaims against VNUS in response to the First
14 Amended Complaint on August 6, 2008.


15 5. Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, VNUS obtained a
16 stipulation from biolitec and CoolTouch—the only Defendants that have been served to date in this
17 action—to file a second amended complaint adding allegations of infringement of U.S. Patent No.
18 7,406,970, which is the recently issued continuation of one of the original patents-in-suit. The
19 Court has approved the stipulation and granted VNUS leave to file its Second Amended Complaint.
20 (D.I. 21).

21 6. In view of the expected amendment, VNUS has requested an adjournment of its time
22 to answer CoolTouch's counterclaims until after CoolTouch has responded to the Second Amended
23 Complaint, and CoolTouch has consented to the requested adjournment.

24 7. Such adjournment comports with Rule 15(a)(3) of the Federal Rules of Civil
25 Procedure, and will not alter the date of any event or any deadline already fixed by Court order.

26 8. To date, the only other time modification in the case was reached by stipulation
27 between VNUS and biolitec to a thirty-day extension of the time for biolitec to answer the First
28 Amended Complaint.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on
2 August 18, 2008 in Menlo Park, California.

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5 Suong T. Nguyen
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